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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,658	10/17/2006	Jean-Marc Scherrer	0502-1040	3786
466 7590 02/02/2010 YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314				
			EXAMINER KIM, PAUL D	
			ART UNIT 3729	PAPER NUMBER
			NOTIFICATION DATE 02/02/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary

Application No.

10/553,658

Applicant(s)

SCHERRER ET AL.

Examiner

Paul D. Kim

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

This office action is a response to the amendment filed on 10/1/2009.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by De Puy (US PAT. 3,466,746).

De Puy teaches a process of making a spiral coil from a tubular blank (1, as shown in Fig. 1) of polygonal cross-section comprising steps of: machining, in a first series of passes, a first series of cuts substantially parallel to one another through all of the sides (as shown in Figs. 1D and 2) of the tubular blank with the exception of a last one of the sides (a top portion, as shown in Fig. 2); and machining, in a second series of passes, a second series of cuts in the last one of the sides in order to ensure that junctions of the first series of cuts open out in the sides adjacent to the second series of cuts (a left portion, as shown in Fig. 2), so that the first and second series of cuts are continuous with respect to one another and constitute a single groove of helicoidal shape as shown in Figs. 1D and 2 (see also col. 2, line 70 to col. 3, line 48).

Re. Claim 5: The first series of cuts are substantially perpendicular to a lengthwise direction of the cylindrical tubular metal element, and the second series of cuts are inclined from each of the first series of cuts as shown in Figs. 1D and 2.

Re. Claim 6: The first series of cuts cut entirely along an entire face of the all of the sides with the exception of the last one of the sides as shown in Figs. 1D and 2.

Re. Claim 7: The second series of cuts cut entirely along an entire face of the last one of said sides as shown in Fig. 2.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (US PAT. 3,656,378).

Davis teaches a process of making a spiral shape winding from a tubular member (22, as shown in Fig. 1) of polygonal cross-section comprising steps of: machining, in a first series of passes, a first series of cuts substantially parallel to one another through all of the sides (50, as shown in Figs. 8-12) of the tubular blank with the exception of a last one of the sides (a top portion, as shown in Fig. 10); and machining, in a second series of passes, a second series of cuts in the last one of the sides in order to ensure that junctions of the first series of cuts open out in the sides adjacent to the second series of cuts (a top portion, as shown in Fig. 10), so that the first and second series of cuts are continuous with respect to one another and constitute a single groove of helicoidal shape as shown in Figs. 8-12 (see also col. 2, line 36 to col. 3, line 22).

Re. Claim 2: The machining of the cuts is ensured by means of a rotary machining disc (45) as shown in Figs. 11 and 12.

Response to Arguments

4. Applicant's arguments filed 10/1/2009 have been fully considered but they are not persuasive. Applicant argues that the prior art of record, De Puy, fails to disclose the claimed invention such as machining the first and second series of cuts in first and second series of passes. Examiner traverses the argument. De Puy teaches machining, in a first series of passes, a first series of cuts substantially parallel to one another through all of the sides and machining, in a second series of passes, a second series of cuts in the last one of the sides in order to ensure that junctions of the first series of cuts open out in the sides adjacent to the second series of cuts such as a left portion, as shown in Fig. 2. Also, applicant argues that Davis fails to disclose a first series of cuts substantially parallel to one another through all of the sides of the tubular blank with the exception of a last one of the sides. Examiner traverses the argument. Davis teaches that the each of the side walls cuts at the same time, not individually (col. 2, lines 60-65).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Thursday between 6:00 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul D Kim/
Primary Examiner, Art Unit 3729